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11 UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

13

DERRICK SATCHELL, KALINI
BOYKIN, VALERIE BROWN, RICK
GONZALES, CYNTHIA GUERRERO,
RACHEL HUTCHINS, TYRONE
MERRITT, KELVIN SMITH, SR., and
15 KEN STEVENSON, on behalf of
16 themselves and all others similarly situated,

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Plaintiffs,

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v.
19 FEDEX EXPRESS, a Delaware
corporation,

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Defendant.

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Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

STIPULATION AND [PROPOSED] ORDER
RE: PAYMENTS TO CLASS MEMBERS
WHO WERE NOT INCLUDED ON THE
INITIAL CLASS LIST OR WHOSE CLAIM
FORMS WERE NOT TIMELY RECEIVED
DUE TO NO FAULT OF THEIRS

1 WHEREAS, the deadline for claims forms required that claims forms be mailed to the
2 Claims Administrator postmarked no later than August 1, 2007;

3 WHEREAS, based on claims forms received as of October 1, 2007, including several late
4 claims forms permitted by prior stipulation of the parties and Order of this Court, the Claims
5 Administrator calculated the amount owing to each class member pursuant to the Plan of
6 Allocation and mailed out checks to 12,053 claimants on December 5, 2007;

7 WHEREAS, the Claims Administrator has made best efforts to contact class members
8 who have not cashed their checks, to encourage them to cash the checks. The Claims
9 Administrator called all claimants whose claims were \$1,000 or more. In addition, on March 4,
10 the Claims Administrator sent a reminder letter to all those who had not yet cashed their checks,
11 telling them that they need to do so by March 23, 2008. The Claims Administrator has reissued
12 checks to claimants who stated that they did not receive their original checks, and given those
13 claimants an additional 30 days from the date of issuance to cash their reissued checks;

14 WHEREAS, despite those efforts, as of March 27, 2008, 118 class members have not
15 cashed checks totaling \$55,330.69.

16 WHEREAS, Section XXII.P of the Consent Decree requires that any funds
17 remaining from uncashed checks be donated to an as-yet undecided charitable organization;

18 WHEREAS, it appears to the parties that the following three class members submitted
19 timely claims forms but were not sent settlement checks by the Claims Administrator:

20 Ransom Wade submitted a timely claim form post-marked on July 28, 2007. Because he
21 was not on the original class list, the Claims Administrator did not issue him a check. Further
22 investigation has revealed that Mr. Wade is a class member who was not originally identified as a
23 class member by FedEx because of a flaw in the electronic data.

24 Ericka Howell submitted a timely claim form post-marked on July 27, 2007. It was
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1 received by the Claims Administrator on or about December 27, 2007, with a notation from the
2 Post Office that it had been found in supposedly empty equipment.

3 Tameka Jones submitted a timely claim form post-marked on August 1, 2007. It was
4 received by the Claims Administrator on or about December 18, 2007.

5 WHEREAS, it appears to the parties that the following three class members submitted
6 untimely claims forms that were untimely through no fault of their own:

7 Peter Dadzie was serving overseas in the merchant marines and therefore did not receive
8 the Notice and Claim Form prior to the Claims Form filing deadline.

9 David Norwood was not on the original class list, and therefore was not sent a Claims
10 Form in time to file it by the Claims Form filing deadline. It now appears that Mr. Norwood is
11 indeed a class member.

12 Feras Shaumon was not on the original class list, and therefore was not sent a Claims
13 Form in time to file it by the Claims Form filing deadline. It now appears that Mr. Shaumon is
14 indeed a class member.

15 WHEREAS, it appears to the parties that the following three people did not submit claims
16 forms because they were not on the original class list, and thus were not sent claims Forms:
17 Laurence Quarles, Martha Daniels, Alonzo Gonzales. It now appears that they are indeed class
18 members.

19 THEREFORE, the parties hereby stipulate and agree as follows:

20 1. The Claims Administrator shall use funds remaining from uncashed checks to pay
21 Ransom Wade, Ericka Howell, Tameka Jones, Peter Dadzie, David Norwood, and Feras
22 Shaumon what they would have received in accordance with the Plan of Allocation had
23 their claim forms been timely received.

24 2. The Claims Administrator shall mail Claims Forms to Laurence Quarles, Martha
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1 Daniels, and Alonzo Gonzales, and request that they return those Claims Forms within 30
2 days.

3 3. If Laurence Quarles, Martha Daniels, and/or Alonzo Gonzales return their Claims
4 Forms to the Claims Administrator within 30 days of mailing, the Claims Administrator
5 shall use funds remaining from uncashed checks to pay them what they would have
6 received in accordance with the Plan of Allocation had their claims been timely received.

7 4. No additional late claims will be accepted. All funds remaining from uncashed
8 checks after the above-mentioned nine class members have been paid will be donated to a
9 charitable organization pursuant to Section XXII.P of the Consent Decree. The parties will
10 meet and confer about which organization(s) shall receive those funds.

11
12 Dated: March 31, 2008

13 ALTSHULER BERZON LLP

14 By: /s/ James M. Finberg

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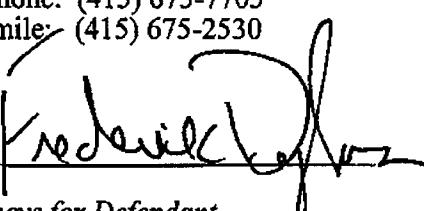
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25 Dated: March 31, 2008

26 By: 
27 Attorneys for Defendant

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38 **ORDER**

39 The forgoing stipulation is approved, and IT IS SO ORDERED.

40 Dated: _____

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43 The Hon. Susan Illston
44 United States District Judge